


**FILED**

MAR 20 2012

BARBARA DUNN, CIRCUIT CLERK  
BY  D.C.**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT****ANTONIO TAYLOR****PLAINTIFF****VS.****CIVIL ACTION NO. 254-12-207C IV****HINDS COUNTY SHERIFF'S DEPARTMENT  
a/k/a HINDS COUNTY, MISSISSIPPI, AND  
JOHN DOE DEPUTIES/GUARDS 1-20 OF THE  
HINDS COUNTY SHERIFF'S DEPARTMENT  
a/k/a HINDS COUNTY, MISSISSIPPI, INDIVIDUALLY/PERSONALLY  
AND IN THEIR REPRESENTATIVE CAPACITY****DEFENDANTS****COMPLAINT  
JURY TRIAL DEMANDED**

COMES NOW the Plaintiff, Antonio Taylor, by and through counsel, and in support of this his Complaint for damages against the Defendants respectfully alleges the following:

1. Plaintiff, Antonio Taylor, is an adult resident citizen of Yazoo County, Mississippi, residing at 195 Magnolia Drive, Yazoo City, Mississippi 39194.
2. Defendant Hinds County Sheriff's Department, a/k/a Hinds County, Mississippi, is a political subdivision of the State of Mississippi. There is some confusion in the case law as to whether the appropriate Defendant for official actions of the Sheriff is Hinds County, Mississippi, or the Hinds County Sheriff's Department. Plaintiff intends to name both Hinds County, Mississippi, and the Hinds County Sheriff's Department as Defendants in order to render as moot this question of proper parties.

Defendant Hinds County Sheriff's Department may be served with process by and through service upon its Sheriff, Tyrone Lewis, at 407 East Pascagoula Street, Jackson, Mississippi 39201.

Hinds County, Mississippi may be served with process by service upon its Chancery Clerk Eddie Jean Carr, at 316 South President St., Jackson, MS 39201.

**EXHIBIT**

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**A**

3. This action is brought pursuant to 42 U.S.C. §1983 for deprivations and violations of the Eighth Amendment of the U.S. Constitution and under the substantive due process clause and equal protection clause of the 14<sup>th</sup> Amendment of the United States Constitution. Additionally, attorney's fees and litigation costs are requested under 42 U.S.C. §1988. The Plaintiff is requesting a jury trial for all federal claims.

4. Venue is proper as the events and occurrences giving rise to this cause of action occurred in Hinds County, Mississippi, and Defendant Hinds County, Mississippi is the proper party for the both state and federal claims for any actions and inactions of the Hinds County Sheriff's Department, and any other John Doe employees of Hinds County Sheriff's Department and Hinds County, Mississippi involved or implicated in the facts of this case.

5. Plaintiff's known injuries were sustained due to excessive and unreasonable force inflicted upon by him by John Doe Deputies 1-20 while incarcerated as an inmate at the Hinds County Detention Center located at 327 East Pascagoula Street, Jackson, MS, on August 28, 2011. Specifically, the prison guards/deputies named herein as John Does 1-20, of the Hinds County Detention Center inflicted serious bodily and emotional injuries upon the Plaintiff due to their application of excessive force and/or assault and battery upon the Plaintiff. Immediately thereafter, the Plaintiff was denied access to medical care at the HCDC for his injuries and released from the HCDC. That the Defendants owed a duty to the Plaintiff honor all rights and privileges unto him as granted by the Fourth, Fifth, Eighth Amendment and substantive due process and equal protection clauses of the Fourteenth Amendment of the United States Constitution. That the Defendants breached said duties which proximately caused the Plaintiff to sustain damages as alleged herein.

6. All such unlawful and unconstitutional actions were taken by Defendant

Anderson, and John Does 1-20 against the Plaintiff without reasonable suspicion of criminal conduct, violation of prison rules and regulations, and without probable cause, and in so doing, knowingly violated clearly established constitutional rights of the Plaintiff of which a reasonable person would have known; specifically to be free from false arrest, illegal detention, illegal confiscation of property without due process of law, and the use excessive and unreasonable force which proximately caused the Plaintiff to sustain as alleged herein. Due to the Defendants' intentional acts and omissions, negligence, gross negligence, conscious and deliberate indifference of his need for medical care and the denial access to medical care, and as a proximate result thereof suffered physical and emotional injuries, mental anguish, pain and suffering, past, present and future medical expenses, and lost wages.

**COUNT II: INDIVIDUAL CAPACITY  
FOR DIRECT ACTS OF OFFICER NEGLIGENCE  
& MONELL LIABILITY FOR UNCONSTITUTIONAL POLICY AND CUSTOM  
AND INADEQUATE TRAINING AND SUPERVISION**

7. The allegations of the preceding paragraphs of this Complaint are hereby repeated, realleged, and incorporated by referenced in each of the following sections:

8. That the Hinds County Sheriff's Department, by and through its Sheriff, was responsible for educating, training and supervising its officers named as Defendants herein, including John Does 1-20, to ensure that Defendants' actions, practices, procedures and policies did violate known and established constitutional rights afforded to the Plaintiff. Defendant negligently failed to properly train and adequately supervise or control Defendants' officers, specifically Officers John Doe 1-20 to ensure that the Plaintiff was not subject to known constitutional violations including excessive force, assault and battery upon the Plaintiff without cause. Defendants acted with gross negligence, conscious and deliberate indifference and reckless disregard for the rights of the Plaintiff with knowledge that such unlawful conduct

would cause physical, emotional and bodily injuries to the Plaintiff. That the Defendant was aware that assault and battery committed by its deputies upon inmates at its facility was an existing unconstitutional policy that was officially adopted and promulgated by the Defendants' officers and officials to whom Defendants' lawmakers have delegated policy making authority whether written or not as said policy was persistent and widespread practice of Defendants' employees and officials is so common and well settled as to constitute a custom that represents official policy that caused injuries and damages to the Plaintiff as described herein.

9. Defendant John Does 1-20 are individually liable, and the Hinds County, Mississippi Defendants are vicariously liable for said acts and omissions of its respective employees via the legal theory of a policy or custom that caused injury and damages to the Plaintiff as contemplated by the "*Monell*" line of cases.

### **DAMAGES**

As a result of the intentional, deliberate, and wrongful actions of the Defendants, as aforesaid, Plaintiff was caused to suffer damages, including bodily injuries, physical and emotional trauma related to the assault and battery upon John Does 1-20, anxiety, emotional distress and all other damages recoverable at law. Defendants are liable to the Plaintiff for all of said actual damages, non-pecuniary damages, as well as all attorney's fees, expenses and costs herein incurred.

As a further proximate result of the aforementioned unconstitutional, fraudulent and wrongful conduct of Defendants which was outrageous and in reckless disregard for Plaintiff's rights, Plaintiff has suffered anxiety, worry, mental and emotional distress, medically cognizable injury and harm and other incidental damage, all to her general damage, for which Plaintiff is entitled to recover substantial compensatory damages. Said acts on the part of the Defendants

constitute intentional, willful, grossly negligent, unconstitutional and fraudulent conduct thus rendering Defendants liable for punitive damages, as well as for attorney's fees and other expenses incurred in pursuing this litigation. Defendants should be assessed with punitive damages in an amount sufficient to deter like conduct in the future, and to serve as an example and deter the Defendants from engaging in similar unlawful conduct

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for actual and compensatory damages, punitive damages, attorney's fees and costs.

Respectfully submitted, this the 16~~12~~ day of March, 2012.

ANTONIO TAYLOR, PLAINTIFF

By:

  
Yancy B. Burns

YANCY B. BURNS, ESQ.  
Mississippi Bar No. 99128  
***Burns & Associates, PLLC***  
Post Office Box 16409  
Jackson, Mississippi 39236-6409  
Telephone: (601) 487-6997  
Facsimile: (601) 487-6958

**BURNS & ASSOCIATES, PLLC**  
**OFFICES IN JACKSON AND KOSCIUSKO, MISSISSIPPI**

**JACKSON OFFICE:**  
16 NORTHTOWN DR, STE 200E  
JACKSON, MS 39211

**KOSCIUSKO OFFICE:**  
205 EAST JEFFERSON STREET  
KOSCIUSKO, MS 39090

March 16, 2012

Barbara Dunn  
Circuit Clerk of Hinds County  
P.O. Box 327  
Jackson, MS 39205

Re: *Antonio Taylor v. Hinds County Sheriff's Department a/k/a Hinds County, Mississippi, and John Doe Deputies/Guards 1 – 20 of the Hinds County Sheriff's Department a/k/a Hinds County, Mississippi, Individually/ Personally and in their Representative Capacity*

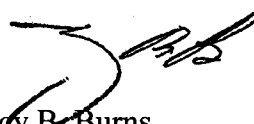
Dear Ms. Dunn:

Enclosed please find an original and two copies of a Complaint, along with a civil cover sheet and this firm's check in the amount of \$120.00 representing the filing fee in this matter. Also enclosed are the original and one copy of the Summons for the Defendants Please file the original complaint, issue the Summons and return to me in the enclosed envelope for service upon the Defendants.

I appreciate your assistance and ask that you let me know if you have any questions.

Sincerely,

**BURNS & ASSOCIATES, PLLC**

  
Yancy B. Burns

Enclosures

**Mailing Address:** P.O. Box 16409 • Jackson, MS 39236-6409  
Phone: 601-487-6997 • Facsimile: 601-487-6958

**FILED**

APR 16 2012

BARBARA DUNN, CIRCUIT CLERK  
BY \_\_\_\_\_ D.C.

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**ANTONIO TAYLOR**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 25-12-207C IV**

**HINDS COUNTY SHERIFF'S DEPARTMENT  
a/k/a HINDS COUNTY, MISSISSIPPI, AND  
JOHN DOE DEPUTIES/GUARDS 1-20 OF THE  
HINDS COUNTY SHERIFF'S DEPARTMENT  
a/k/a HINDS COUNTY, MISSISSIPPI, INDIVIDUALLY/PERSONALLY  
AND IN THEIR REPRESENTATIVE CAPACITY**

**DEFENDANTS**

**SUMMONS**

**TO: Hinds County Sheriff's Department  
Sheriff, Tyrone Lewis  
407 East Pascagoula Street  
Jackson, Mississippi 39201**

**NOTICE TO DEFENDANT**

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND  
YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand deliver a copy of a written response to the COMPLAINT to Honorable Yancy B. Burns, Burns & Associates, PLLC, whose mailing address is Post Office Box 16409, Jackson, Mississippi 39236-6409; and whose street address is 16 Northtown Drive, Suite 200 E, Jackson, Mississippi 39211. Your response must be mailed or delivered within thirty (30) days from the date of the delivery of this SUMMONS AND COMPLAINT or a JUDGMENT BY DEFAULT will be entered against you for the money or other things demanded in the COMPLAINT.

You must also file the original of your response with the clerk of this Court within a reasonable time afterward.

ISSUED UNDER MY HAND AND THE SEAL OF THIS COURT, this the 10 day of March, 2012.

**BARBARA DUNN  
CIRCUIT CLERK OF HINDS COUNTY**

**BY: \_\_\_\_\_, Clerk, D.C.**

PROOF OF SERVICE  
PROCESS SERVER

**FILED**  
APR 18 2012  
BARBARA DUNN, CIRCUIT CLERK  
BY [Signature] D.C.

Hindco Sheriff's Dept  
Name of Person or Entity Served

I, the undersigned process server, served the Summons and Complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used.)

PERSONAL SERVICE:

I personally delivered copies to March on the 26th day of March, 2012, where I found said person in Hinds County of the State of Mississippi.

Fee for service 35.00

Process server must list below:

NAME: Jamie Patrick  
ADDRESS: 214 Fawn Hill St  
Ridgeland, MS 39157  
Telephone: 661 233-4720

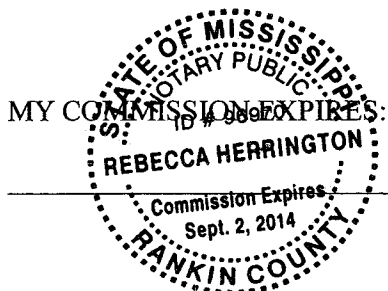
STATE OF MISSISSIPPI  
COUNTY OF RANKIN

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Jamie Patrick, who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service: are true and correct as therein stated.

[Signature]  
SIGNATURE OF PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the 26th day of March, 2012.

Rebecca Herrington  
NOTARY PUBLIC





IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

**FILED**  
APR 16 2012  
BARBARA DUNN, CIRCUIT CLERK  
BY: \_\_\_\_\_ D.C.  
**PLAINTIFF**

**ANTONIO TAYLOR**

**VS.**

**CIVIL ACTION NO. 251-12-207 CW**

**HINDS COUNTY SHERIFF'S DEPARTMENT  
a/k/a HINDS COUNTY, MISSISSIPPI, AND  
JOHN DOE DEPUTIES/GUARDS 1-20 OF THE  
HINDS COUNTY SHERIFF'S DEPARTMENT  
a/k/a HINDS COUNTY, MISSISSIPPI, INDIVIDUALLY/PERSONALLY  
AND IN THEIR REPRESENTATIVE CAPACITY**

**DEFENDANTS**

**SUMMONS**

**TO: Hinds County, Mississippi  
Chancery Clerk Eddie Jean Carr  
316 South President Street  
Jackson, Mississippi 39201**

**NOTICE TO DEFENDANT**

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND  
YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

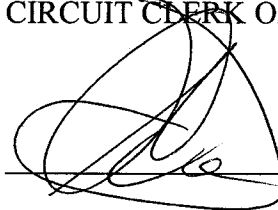
You are required to mail or hand deliver a copy of a written response to the COMPLAINT to Honorable Yancy B. Burns, Burns & Associates, PLLC, whose mailing address is Post Office Box 16409, Jackson, Mississippi 39236-6409; and whose street address is 16 Northtown Drive, Suite 200 E, Jackson, Mississippi 39211. Your response must be mailed or delivered within thirty (30) days from the date of the delivery of this SUMMONS AND COMPLAINT or a JUDGMENT BY DEFAULT will be entered against you for the money or other things demanded in the COMPLAINT.

You must also file the original of your response with the clerk of this Court within a reasonable time afterward.

ISSUED UNDER MY HAND AND THE SEAL OF THIS COURT, this the 20 day of March, 2012.

**BARBARA DUNN  
CIRCUIT CLERK OF HINDS COUNTY**

**BY:**



\_\_\_\_\_, Clerk, D.C.

251-12-207 CIV

**FILED**

Antonio Taylor

**PROOF OF SERVICE  
PROCESS SERVER**

APR 16 2012

BARBARA DUNN, CIRCUIT CLERK

D.C.

Chancery Clerk Eddie Jean Carr  
Name of Person or Entity Served

I, the undersigned process server, served the Summons and Complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used.)

**PERSONAL SERVICE:**

I personally delivered copies to Eddie Jean Carr on the 23rd day of March, 2012, where I found said person in Hinds County of the State of Mississippi.

Fee for service 35.00**Process server must list below:**

NAME: Jamie Patrick  
ADDRESS: 214 Faith Hill Dr  
Pidgeland, MS 39157  
Telephone: 601.769.233.4720

**STATE OF MISSISSIPPI  
COUNTY OF Rankin**

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Jamie Patrick, who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service: are true and correct as therein stated.

[Signature]  
SIGNATURE OF PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the 20th day of March, 2012.

[Signature]  
NOTARY PUBLIC

MY COMMISSION EXPIRES:



**BURNS & ASSOCIATES, PLLC**  
**OFFICES IN JACKSON AND KOSCIUSKO, MISSISSIPPI**

JACKSON OFFICE:  
16 NORTHTOWN DR, STE 200E  
JACKSON, MS 39211

KOSCIUSKO OFFICE:  
205 EAST JEFFERSON STREET  
KOSCIUSKO, MS 39090

April 10, 2012

Barbara Dunn  
Circuit Clerk of Hinds County  
P.O. Box 327  
Jackson, MS 39205

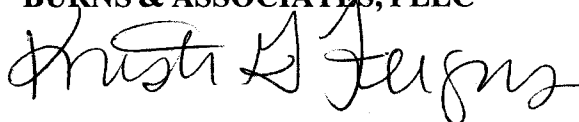
Re: *Antonio Taylor v. Hinds County Sheriff's Department a/k/a Hinds County, Mississippi, and John Doe Deputies/Guards 1 – 20 of the Hind's County Sheriff's Department a/k/a Hinds County, Mississippi, Individually/ Personally and in their Representative Capacity; 251-12-207-CIV*

Dear Ms. Dunn:

Enclosed please find the original and one copy of the Proofs of Service on Eddie Jean Carr and Hinds County Sheriff's Office regarding the above-referenced matter. Please file the originals and return the copies to me in the enclosed envelope.

Sincerely,

**BURNS & ASSOCIATES, PLLC**



Kristi G. Ferguson  
Paralegal

Enclosures